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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,193	08/01/2001	Simon Smith	BA1525-455/01633	3977
7590 Mark G. Kachigian Head, Johnson & Kachigian 228 West 17th Place Tulsa, OK 74119			EXAMINER WONG, LUT	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/919,193

Applicant(s)

SMITH ET AL.

Examiner

Lut Wong

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-13-2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to an AMENDMENT entered Sep 13, 2007 for the patent application 09919193

The First Office Action of Mar 15, 2007 is fully incorporated into this Final Office Action by reference.

Status of Claims

Claims 1-10, 19-20 are pending. Claims 1, 6-10, 19 have been amended. Claim 20 has been withdrawn. A complete reply to the final rejection must include cancellation of nonelected claims (i.e. claim 20) or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

Applicant's cooperation is appreciated. The objections of drawings and specification have been withdrawn. The 101, 112.1, and double patenting rejection also have been withdrawn.

Claim Objections

Claims 1, 7, 9 and 10 are objected to because of the following informalities:

Claim 1: the phrase "said symbols wherein" should be changed to "said symbols, wherein"

Claim 1: the phrase "said processes wherein" should be changed to "said processes, wherein"

Claims 7 and 9: "(Currently Amended A" should have been labeled "Currently Amended) A"

Claim 10: delete "(" and ")" in line 3. Otherwise, limitations within parenthesis are treated as optional.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "said system revealing to the user, through a graphical user interface, on clicking on a process to select the same, the associated required knowledge resource symbols or textual representation of said symbols for that process, the appropriate resource then being presented to the user on the click of said symbols or textual representation of said symbols". It is unclear and indefinite for the following reasons: 1) "to select the same" is unclear. What is it selecting? The same what? 2)

what is the "core" of the whole phrase (i.e. what is intended to claim?). It is presumed to mean "revealing required knowledge resource symbols or text" in light of Fig. 6.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

Claims 1-10, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 7171647) as set forth in the previous office action for reason of record.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In re pg. 9, applicant believes that Patent No. 7171647 is disqualified from being used in a rejection under 35 USC 103(a).

In response, it's a 102(e) rejection, not 103(a). As set forth in the previous office action, this rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In re pg. 10-11, applicant argues that Patent No. 7171647 does not anticipate the amended limitation.

In response,

1) The limitation of "relating to the process of a defined organization" in the preamble of claims 1 and 6 merely recites an intended use or result. It does not constitute positive limitation. Even if it does, Smith still anticipates such limitation (see e.g. C3L15-20).

2) As per "the knowledge resources are specific to and created by the users and other persons within the organization as the organization delivers said process" in claim 1, Smith clearly states that the method allows rapid creation by non-technical users of process models describing the working of an organization (See e.g. abstract. See also C3 L5-20). As such, the knowledge resource must be specific to the organization.

3) As per "the knowledge resource are defined and developed with respect to the delivery of said processes by the users and other personnel of the organization and are related specifically to that organization" in claim 6, Smith clearly states that the method allows rapid creation by non-technical users of process models describing the working of an organization (See e.g. abstract. See also C3 L5-20 and C4 L10-15).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by an online press release article ("powerful business transformation partnership enabling sustainable growth in e-business") as set forth in the previous office action for reason of record.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In re pg. 12, applicant believes that the 102(b) rejection is improper since the cited press released does not disclose all of the claimed elements as required.

In response, as set forth in the previous office action, the Mood disclosed in the release is inherently capable of anticipating claims 1-10 and 19.

Applicant is reminded that the rejection is related to the sales bar under 102(b). If applicant insists that Mood disclosed in the release fails to disclose all the claimed elements, a request for information under CFR 1.105 will be made to request specific information related to the software.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lut Wong whose telephone number is (571) 270-1123. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent David can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lut Wong/
Patent Examiner, AU 2129

DAVID VINCENT
SUPERVISORY PATENT EXAMINER

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